IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 19064 of 2007(T)

PETITIONERS:

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1. K.K.VIDHYAN, S/O.KOCHUKANDAN, AGED 57 YEARS, RETIRED CAULKER, K.S.R.T.C. REGIONAL WORKSHOP, ALUVA, RESIDING AT KANDATHILPARAMBIL, PONNARIMANGALAM, MULAVUKADU.P.O.

2. K.J.ANCILY, S/O.JOSEPH, AGED 57 YEARS, RETIRED PEON, K.S.R.T.C., MALA DEPOT, RESIDING AT KUTTANCHALIL HOUSE, CHIRAKKAKAM, VARAPUZHA P.O.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THE MANAGING DIRECTOR, K.S.R.T.C., TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. THE MECHANICAL ENGINEER, K.S.R.T.C., REGIONAL WORKSHOP, ALUVA.

3. THE ASST.TRANSPORT OFFICER, K.S.R.T.C., CHALAKUDY.

BY SC SRI. K. PRABHAKARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 19064 of 2007

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Dated this the 12th day of July, 2007

JUDGMENT

First petitioner retired as Caulker and second petitioner retired as Peon from KSRTC. It is stated that they were retired on 28.2.2004 and 30.9.2004 respectively. They are before this court seeking for a direction to disburse the entire pensionary benefits except Provident Fund and Staff Welfare Fund. They have sought out of turn payment premising their case on Exts.P3 and P5, which are letters issued to the petitioners and to the wife of the first petitioner by the Ernakulam Urban Co-operative Bank Ltd., threatening them with legal action if they failed to pay the loan.

2. I heard counsel appearing for the respondents also. He submits that their turn has not yet come and they will have to wait for another six months going by seniority.

3. Having regard to the fact that the petitioners retired in the year 2004 and they are drawn from the lower category of posts, namely, Caulker and Peon, and in the light of Exts. P3 and P5, I feel

that they have established a case for deviation from the seniority for the purpose of paying the loan taken.

The writ petition is disposed of directing the first respondent to effect payment of the amount due to the petitioners as DCRG or Commuted Value of Pension, whichever is higher, within a period of three months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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